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Federal Agencies

October 28, 2003

**WRITER'S DIRECT NUMBER:**

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**INTERNET ADDRESS:**

HOLUBBEK@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application  
Appl. No. 10/625,701; Filed: July 24, 2003  
For: **Therapeutic Light Source and Method**  
Inventor: Colin Whitehurst  
Our Ref: 1487.0320001

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO-1449 (6 pages), listing 85 documents and enclosing Ref. AM5; and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michelle K. Holoubek

Agent for Applicant

Registration No. 54,179

PEG:MKH:jmh

::ODMA\MHODMA\SKGF\_DC1;192304;1  
SKGF Rev. 2/15/02 dcw; 4/18/03 svb



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Colin Whitehurst

Appl. No. 10/625,701

Filed: July 24, 2003

For: **Therapeutic Light Source and  
Method**

Confirmation No.

Art Unit: to be assigned

Examiner: to be assigned

Atty. Docket: 1487.0320001

**Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
  - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to

the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form **[OR]** Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Attached is our PTO-2038 Credit Card Payment Form **[OR]** Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
  - ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

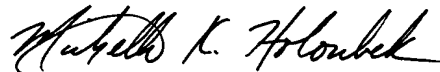
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 7. Copies of the documents, other than Ref. AM5, were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/815,348, filed March 23, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michelle K. Holoubek  
Agent for Applicant  
Registration No. 54,179

Date: 10/28/03

1100 New York Avenue, N.W.  
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(202) 371-2600



FORM P-1 INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 1487.0320001	APPLICATION NO. 10/625,701
	APPLICANT Whitehurst, Colin	
	FILING DATE July 24, 2003	GROUP 3749

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	4,822,335	04/1989	Kawai <i>et al.</i>			
	AB1	4,930,504	06/1990	Diamantopoulos <i>et al.</i>			
	AC1	5,278,432	01/1994	Ignatius <i>et al.</i>			
	AD1	5,304,207	04/1994	Stromer			
	AE1	5,358,503	10/1994	Bertwell <i>et al.</i>			
	AF1	5,500,009	03/1996	Mendes <i>et al.</i>			
	AG1	5,549,660	08/1996	Mendes <i>et al.</i>			
	AH1	5,634,711	06/1997	Kennedy <i>et al.</i>			
	AI1	5,660,461	08/1997	Ignatius <i>et al.</i>			
	AJ1	5,702,432	12/1997	Chen <i>et al.</i>			
	AK1	5,709,645	01/1998	Siever			

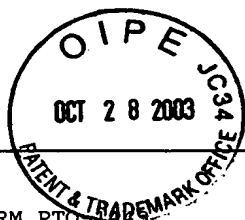
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	0 158 025 A1	10/1985	EP	A61N	5/06	No
	AM1	0 266 038 A2&A3	05/1988	EP	A61N	5/06	N/A
	AN1	0 320 080 A1	06/1989	EP	A61N	5/06	N/A
	AO1	0 860 179 A2&A3	08/1998	EP	A61N	5/06	No
	AP1	1 024 327 A1	08/2000	EP	F21V	33/00	N/A

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>1</u>	English-language Abstract for EP 0 860 179 A2&A3, printed from DIALOG File 348: European Patents, 2 pages.
AS	<u>1</u>	
AT	<u>1</u>	

EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
1487.0320001APPLICATION NO.  
10/625,701APPLICANT  
Whitehurst, ColinFILING DATE  
July 24, 2003GROUP  
3749

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA2	5,728,090	03/1998	Martin <i>et al.</i>			
	AB2	5,766,233	06/1998	Thiberg			
	AC2	5,775,339	07/1998	Woodburn <i>et al.</i>			
	AD2	5,800,478	09/1998	Chen <i>et al.</i>			
	AE2	5,876,427	03/1999	Chen <i>et al.</i>			
	AF2	5,944,748	08/1999	Mager <i>et al.</i>			
	AG2	5,957,960	09/1999	Chen <i>et al.</i>			
	AH2	5,968,033	10/1999	Fuller <i>et al.</i>			
	AI2	5,989,283	11/1999	Wilkins			
	AJ2	6,024,760	02/2000	Marchesi			
	AK2	6,063,108	05/2000	Salansky <i>et al.</i>			

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL2	2 287 652 A	09/1995	GB	A61N	5/06	N/A
	AM2	2 331 399 A	05/1999	GB	A61N	5/06	N/A
	AN2	2 356 570 A	05/2001	GB	A61N	5/06	N/A
	AO2	2 368 020 A	04/2002	GB	A61N	5/06	N/A
	AP2	2 370 229 A	06/2002	GB	A61N	5/06	N/A

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	
	AS	2	
	AT	2	

EXAMINER

DATE CONSIDERED

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.:ODMA\MHODMA\SKGF\_DC1;188099;1

SKGF Rev. 1/95



FORM PTO-1449

INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.  
1487.0320001APPLICATION NO.  
10/625,701APPLICANT  
Whitehurst, ColinFILING DATE  
July 24, 2003GROUP  
3749**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA3	6,074,382	06/2000	Asah <i>et al.</i>			
	AB3	6,094,595	07/2000	Takahashi <i>et al.</i>			
	AC3	6,107,466	08/2000	Hasan <i>et al.</i>			
	AD3	6,143,287	11/2000	Ben-Hur <i>et al.</i>			
	AE3	6,171,331 B1	01/2001	Bagraev <i>et al.</i>			
	AF3	6,187,029 B1	02/2001	Shapiro <i>et al.</i>			
	AG3	6,190,376 B1	02/2001	Asah <i>et al.</i>			
	AH3	6,221,095 B1	04/2001	Van Zuylen <i>et al.</i>			07/15/1997
	AI3	6,235,046 B1	05/2001	Gerd			01/21/1999
	AJ3	6,238,424 B1	05/2001	Thiberg			12/07/1998
	AK3	6,238,425 B1	05/2001	Thiberg			12/07/1998

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL3	WO 93/09847 A1	05/1993	PCT	A61N	5/06	No
	AM3	WO 93/21842 A1	11/1993	PCT	A61B	17/36	N/A
	AN3	WO 95/19808 A1	07/1995	PCT	A61N	5/06	No
	AO3	WO 95/26217 A1	10/1995	PCT	A61N	5/06	N/A
	AP3	WO 98/07379 A1	02/1998	PCT	A61B	17/41	N/A

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>3</u>	
	AS	<u>3</u>	
	AT	<u>3</u>	

EXAMINER	DATE CONSIDERED
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3749**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA4	6,238,426 B1	05/2001	Chen			07/19/1999
	AB4	6,249,698 B1	06/2001	Parris			06/11/1999
	AC4	6,290,713 B1	09/2001	Russell			08/24/1999
	AD4	6,306,160 B1	10/2001	Nidetzky			01/17/1996
	AE4	6,383,177 B1	05/2002	Balle-Petersen <i>et al.</i>			12/13/1999
	AF4	5,997,569	12/1999	Chen <i>et al.</i>			
	AG4	5,913,883	06/1999	Alexander <i>et al.</i>			
	AH4	4,740,707	04/1988	Thaw			
	AI4	5,601,619	02/1997	Drechsler			
	AJ4	5,409,482	04/1995	Diamantopoulos			
	AK4	5,616,140	04/1997	Prescott			

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL4	WO 98/43703 A1	10/1998	PCT	A61N	5/06	N/A
	AM4	WO 99/10046 A1	03/1999	PCT	A61N	5/00	N/A
	AN4	WO 99/19024 A1	04/1999	PCT	A61N	5/06	N/A
	AO4	WO 00/15296 A1	03/2000	PCT	A61N	5/00	N/A
	AP4	WO 01/14012 A1	03/2001	PCT	A61N	5/06	N/A

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

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	AS	<u>4</u>	
	AT	<u>4</u>	

EXAMINER

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FORM PTO-1449

## INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.  
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Whitehurst, ColinFILING DATE  
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3749

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA5	6,183,500	02/2001	Kohler			
	AB5	6,110,195	08/2000	Xie et al.			
	AC5	6,269,818	08/2001	Lui et al.			
	AD5	4,953,549	09/1990	Mori			
	AE5	5,820,625	10/1998	Izawa			
	AF5	4,974,922	12/1990	Mori			
	AG5	5,814,008	09/1998	Chen et al.			
	AH5	4,761,047	09/1988	Mori			
	AI5	4,335,724	06/1982	Frei et al.			
	AJ5	5,354,322	10/1994	Miyano			
	AK5	6,096,066	08/2000	Chen et al.			

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION
	AL5	WO 01/45795 A1	06/2001	PCT	A61N	5/06	No
	AM5	WO 00/02491 A1	01/2000	PCT	A61B	17/36	No
	AN5						Yes No
	AO5						Yes No
	AP5						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>5</u>	
	AS	<u>5</u>	
	AT	<u>5</u>	

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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA6	5,957,959	09/1999	Rissmaney et al.			
	AB6	5,800,478	09/1998	Chen et al.			
	AC6	4,907,132	03/1990	Parker			
	AD6	6,402,774	06/2002	Caldironi			
	AE6	5,944,748	08/1999	Mager et al.			
	AF6	4,660,561	04/1987	Nielsen			
	AG6	5,511,563	04/1996	Diamond			
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	AI6						
	AJ6						
	AK6						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL6						Yes No
	AM6						Yes No
	AN6						Yes No
	AO6						Yes No
	AP6						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>6</u>	
	AS	<u>6</u>	
	AT	<u>6</u>	

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